HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI C.V.NAGARJUNA REDDY

Writ Appeal No1189 of 2006

Between:

G.Satyanarayana … Appellant

AND

Indian Airlines represented by its
Managing Director, New Delhi and others.. Respondents

:: JUDGMENT ::

Counsel for the appellant : Shri P.Venugopal

Counsel for respondents : Ms.Uma Devi for
Shri K.Srinivasa Murthy

20-11-2006

Per G.S.Singhvi, CJ

This appeal is directed against order dated 27.9.2006 passed by the learned Single Judge whereby he rejected the appellant's prayer for issue of a direction to respondent No.2 to settle and release his retiral benefits with interest at the rate of 18% per annum.

After completing the schooling, the appellant joined diploma in Electrical Engineering in Government Polytechnic College at Hyderabad against the seat earmarked for Scheduled Castes. For this purpose, he produced the caste certificate in which he was shown as belonging to 'Arwa Mala'. In the year 1972, he joined the services of Indian Airlines. After seven years, a vigilance enquiry was instituted by the employer to ascertain the genuineness of his caste certificate. Revenue Divisional Officer to whom the Vigilance Department sent enquiry informed that the appellant belongs to Scheduled Caste. Thereafter, the enquiry was closed. After another twenty years, Shri V. Prakash Rao, a neighbour of the appellant served a notice on him with the accusation that he had obtained employment by producing fake caste certificate. Thereupon, the appellant filed criminal complaint under Section 500 of Indian Penal Code in the Court of Metropolitan Magistrate, Secunderabad. The same was registered as C.C.No.776 of 1999. The trial Court convicted Shri V. Prakash Rao and imposed fine of Rs.2,000/- on him. Criminal appeal and criminal revision preferred by Shri Prakash Rao were dismissed by Additional Metropolitan Sessions Judge, Hyderabad and a learned Single Judge of this Court respectively. In the meanwhile, Shri V. Prakash Rao appears to have made a complaint to District Collector, Hyderabad questioning the genuineness of the caste certificate of the appellant and then filed Writ Petition No. 7544 of 2002 for issue of a direction to the District Collector to complete the enquiry. The same was disposed of by the learned Single Judge by directing District Collector to hold enquiry in accordance with Section 5 of the Andhra Pradesh Scheduled Castes, Scheduled Tribes and Backward Class Regulation Act, 1993. After some time, Shri V. Prakash Rao filed Contempt Case No. 403 of 2003 with the allegation that the District Collector has failed to take action in accordance with the direction given by the Court. During the pendency of the contempt case, the District Collector passed order dated 30.06.2003 vide which he

cancelled the caste certificate of the appellant. The appellant challenged that order by filing an appeal before the State Government. He also filed an application for stay, but the same was not entertained by the Appellate Authority. He then filed Writ Petition No.20763 of 2003. This Court suspended the order passed by the District Collector.

While the appellant was litigating in the matter relating to genuineness of his caste certificate, the competent authority of the Indian Airlines issued memo dated 23.03.2005 terminating his service. This compelled the appellant to file Writ Petition No. 6443 of 2005, which was allowed by the learned Single Judge and a direction was issued to the non-petitioners to allow him to continue in service till the date of superannuation i.e. 31.03.2005 subject to the rider that he shall not be entitled to retiral benefits till the issue relating to his social status is finally determined by the Appellate Authority. Writ Appeal No.917 of 2005 filed by the appellant was dismissed by the Division Bench, but a direction was issued to the Appellate Authority to dispose of the pending appeal. Thereafter, the Government passed order dated 19.05.2006 and set aside the one passed by the District Collector. Immediately thereafter, the respondents paid the retiral benefits including provident fund to the appellant.

The appellant then filed Writ Petition No.12217 of 2006 for issue of a direction to the respondents to pay interest in lieu of the delay caused in payment of retiral dues. The learned Single Judge dismissed the writ petition with the observation that retiral benefits payable to the appellant had already been paid and the respondents cannot be accused of delay so as to entitle him to interest.

Sri P.Venugopal, learned counsel for the appellant argued that even though there was stay by the Court against the release of retiral benefits payable to the appellant, the employer ought to have deposited the amount of provident fund in a scheduled bank so as to entitle the appellant to earn the interest on it.

In the context of the aforementioned submission of the learned counsel, we enquired from him whether there is any provision in the service regulations requiring the employer to deposit the amount of provident fund or other retiral benefits in the event of there being any dispute regarding the social status of the employee. To this, learned counsel could not give any reply.

In our opinion, the respondents cannot be said to have deliberately delayed the release of retiral benefits payable to the appellant. As a matter of fact, this Court had restrained them from releasing the retiral benefits payable to the appellant. Therefore, there cannot be any justification to issue a writ of mandamus to the respondents to pay interest to the appellant by presuming that they had deliberately delayed the release of retiral benefits.

With the above observations, the appeal is dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

20.11.2006.

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